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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. | |
|--|-----------------------------------|----------------------|-------------------------|------------------|--|
| 09/652,159 | 08/31/2000 | Te-Kai Liu | YOR9-2000-0385US1 | 2619 | |
| 30743 | 7590 06/02/2006 | | EXAM | EXAMINER | |
| WHITHAM, CURTIS & CHRISTOFFERSON, P.C. | | | FRENEL, | FRENEL, VANEL | |
| SUITE 340 | 491 SUNSET HILLS ROAD JITE 340 | | ART UNIT | PAPER NUMBER | |
| RESTON, VA 20190 | | | 3626 | | |
| | | | DATE MAILED: 06/02/2000 | 6 | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | Application No. | Applicant(s) | | | |
|---|--|--|---|--|--|--|
| Office Action Summary | | 09/652,159 | LIU ET AL. | | | |
| | | Examiner | Art Unit | | | |
| | | Vanel Frenel | 3626 | | | |
| | The MAILING DATE of this communication app | | | | | |
| Period for | or Reply | | | | | |
| WHI(- Exte after - If NO - Failt Any | HORTENED STATUTORY PERIOD FOR REPLY CHEVER IS LONGER, FROM THE MAILING DATE OF THE OF THE OF THE OF THE MAILING DATE OF THE OF THE OF THE OF THE O | ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tim will apply and will expire SIX (6) MONTHS from , cause the application to become ABANDONEI | N. nely filed the mailing date of this communication. D (35 U.S.C. § 133). | | | |
| Status | | | | | | |
| 1)🛛 | Responsive to communication(s) filed on <u>24 June 2005</u> . | | | | | |
| 2a)⊠ | This action is FINAL . 2b) This action is non-final. | | | | | |
| 3) | Since this application is in condition for allowance except for formal matters, prosecution as to the merits is | | | | | |
| closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. | | | | | | |
| Disposit | ion of Claims | | | | | |
| 4)⊠ | Claim(s) 1-20 is/are pending in the application. | | | | | |
| , | 4a) Of the above claim(s) is/are withdrawn from consideration. | | | | | |
| 5) | 5) Claim(s) is/are allowed. | | | | | |
| 6)⊠ | Claim(s) 1-20 is/are rejected. | | | | | |
| 7) | | | | | | |
| 8)[| 8) Claim(s) are subject to restriction and/or election requirement. | | | | | |
| Applicat | ion Papers | | | | | |
| 9)[7] | The specification is objected to by the Examine | r | | | | |
| 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. | | | | | | |
| ,— | Applicant may not request that any objection to the | • • | | | | |
| | Replacement drawing sheet(s) including the correct | | 7 . | | | |
| 11) | The oath or declaration is objected to by the Ex | | • • | | | |
| Priority (| under 35 U.S.C. § 119 | | | | | |
| | • | priority under 35 U.S.C. & 119(a) | -(d) or (f) | | | |
| | 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: | | | | | |
| , | 1. Certified copies of the priority documents have been received. | | | | | |
| | 2. Certified copies of the priority documents have been received in Application No | | | | | |
| | 3. Copies of the certified copies of the priority documents have been received in this National Stage | | | | | |
| | application from the International Bureau | ı (PCT Rule 17.2(a)). | | | | |
| * (| See the attached detailed Office action for a list | of the certified copies not receive | d. | | | |
| | | | | | | |
| | | | | | | |
| Attachmen | nt(s) | | | | | |
| | ce of References Cited (PTO-892) | 4) Interview Summary | | | | |
| _ | ce of Draftsperson's Patent Drawing Review (PTO-948) mation Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | Paper No(s)/Mail Da 5) Notice of Informal P | ite atent Application (PTO-152) | | | |
| | er No(s)/Mail Date | 6) Other: | · · · · · · · · · · · · · · · · · · · | | | |

Application/Control Number: 09/652,159

Art Unit: 3626



DETAILED ACTION

Notice to Applicant

1. This communication is in response to the Amendment filed on 06/24/05. Claim 1 has been amended. Claims 1-20 are pending.

Claim Rejections - 35 USC § 112

3. Claims 1-10 and 11-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim Rejections - 35 USC § 112

4. Claims 1-10 and 11-20 are rejected under 35 U.S.C. 112, second paragraph, has being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear how the claimed invention includes "How does a record entry automatically invalidate a current digital key?". How is the key invalidated? Does the key expire on a certain date? Or does the local database include a flag that indicates the key is invalid? Or is information stored on the key that indicates the key is invalidated? Or does the key emit a signal that activates/deactivates the engine of the car? For purposes of applying prior art, the Examiner will interpret this feature as any means for disabling the automobile. As such, all the dependent claims are rejected under the same rationale.

Application/Control Number: 09/652,159 Page 3

Art Unit: 3626

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

- 6. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sehr (6,386,451) in view of Brinkmeyer et al (2001/0028295) for substantially the same reasons given in the previous Office Action. Further reasons appear hereinbelow.
- (A) Claim 1 has been amended to include the word "being capable of invalidating". However, this modification does not change the breadth and the scope of claim 1 as recited in the previous Office Action and Brinkmeyer suggests at Page 2, Paragraphs 0023-0026).
- (B) Claims 2-20 have not been amended are therefore rejected for the same reasons given in the previous Office Action, and incorporated herein.

Response to Arguments

- 4. Applicant's arguments filed on 06/24/05 with respect to claims 1-20 have been fully considered but they are not persuasive. Applicant's arguments will be addressed hereinbelow in which they appear in the response filed on 06/24/05.
- (A) At pages 7-11 of the 06/24/05 response, Applicant argues the followings:
 - (1) The rejection under 35 U.S.C. 112 First and Second Paragraph.

Page 4

- (2) Sher does not disclose a car rental system/method.
- (3) Sehr does not teach a rental car capable of invalidating a digital key.
- (4) Brinkmeyer does not teach invalidation of a digital key.
- (5) Brinkmeyer does not disclose creating a digital key with a digital signature which allows the car to be operated without communication between the rental car and the reservation server.
- (B) With respect to Applicant first argument, Examiner respectfully reiterates that the 112 First and Second Paragraph rejection is maintained since Applicant does not provide a thorough explanation as to the words "How does a record entry automatically invalidate a current digital key?". Therefore, the rejection under 112 First and Second Paragraph rejection in the previous Office Action is hereby sustained and the rejection is made final.
- (C) With respect to Applicant second argument, Examiner respectfully submits that He relied upon the reference of Brinkmeyer for such a feature. Please note that Brinkmeyer provides vehicle rental systems in which a user of the vehicle rents it only for a specific time period (See Brinkmeyer, Page 2, Paragraph 0017). Therefore, Applicant's argument is not persuasive.
- (D) With respect to Applicant third argument, Examiner respectfully submits that He relied upon the reference of Brinkmeyer for such limitation. Please note that Brinkmeyer

Application/Control Number: 09/652,159

Art Unit: 3626

suggests an electronic immobilizer 13 or prevention of the deactivation of the immobilizer 13 when starting up the vehicle to be brought about by means of an item of use-disabling radio call information transmitted by the control center 4 which correspond to Applicant claim feature (See Brinkmeyer, Page 4, Paragraph 0044). Therefore, Applicant's argument is non persuasive and the rejection is hereby sustained.

Page 5

- (E) With respect to Applicant fourth argument, Examiner respectfully submits that He relied upon the reference of Brinkmeyer for such limitation. Please note that Brinkmeyer suggests an electronic immobilizer 13 or prevention of the deactivation of the immobilizer 13 when starting up the vehicle to be brought about by means of an item of use-disabling radio call information transmitted by the control center 4 which correspond to Applicant claim feature (See Brinkmeyer, Page 4, Paragraph 0044). Therefore, Applicant's argument is non persuasive and the rejection is hereby sustained.
- (F) With respect to Applicant fifth argument, Examiner respectfully submits that He relied upon the reference of Brinkmeyer for such limitation. However, Brinkmeyer suggests that the vehicle can be deactivated in order to start up the vehicle only if an authorized user has been detected during a communication between the key communication device 8 which correspond to Applicant's claim feature (See Brinkmeyer, Page 3, Paragraph 0042). Therefore, Applicant's argument is non persuasive and the rejection is hereby sustained.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vanel Frenel whose telephone number is 571-272-6769. The examiner can normally be reached on Monday-Thursday from 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number: 09/652,159 Page 7

Art Unit: 3626

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

V₁F

September 2, 2005

JOSEPH THOMAS

SUPERVISORY PATENT EXAMINER